

Annapolis, Md., January 4, 1905.

The regular quarterly meeting of the Board of Public Works prescribed by the Constitution of the State of Maryland was held in the Executive office in the City of Annapolis at 2:15 P. M. Wednesday, January 4th, 1905.

Present: Governor Warfield, Comptroller Atkinson, and Treasurer Vandiver.

Mr. Fairfax S. Landstreet accompanied by Mr. Benjamin A. Richmond, his attorney appeared before the Board. These gentlemen stated that they were prepared to comply with the terms and conditions of Mr. Landstreet's bid for the purchase of the State's interest in the Chesapeake and Ohio Canal and to consummate the sale. Mr. Landstreet thereupon tendered to the Board in payment for the same the following certificates: #324 for \$100,000 of the Consolidated Loan of the State of Maryland of 1899; #328 for \$50,000 of the same; and #345 for \$5,000 of the same; making a total of \$155,000 face or par value of said certificates of stock.

The Board suggesting that the market value of said stock is now 98 1/2, the State having recently purchased some of said stock for its sinking funds at that figure and that there was thus a deficiency of \$2,325 in the actual amount of the consideration. Mr. Landstreet, the purchaser, tendered to the Board a draft on himself for the said difference of \$2,325 whereupon, on motion of General Vandiver, seconded by the Comptroller it was

Resolved that the said tender of certificates of stock amounting to \$155,000 par value and said \$2,325 draft be accepted, and that deed of assignment duly approved by the Attorney General by endorsement thereon and by his letter of January 4th, copies of which deed of assignment and letter appear below, be executed by the Board of Public Works and turned over to Mr. Landstreet. The deed was accordingly signed by the three members of the Board and acknowledged by Notary Public, Winson G. Gott.

THIS DEED OF ASSIGNMENT, made this 4th, day of January, 1905, by and between Edwin Warfield, Governor of the State of Maryland; Gordon T. Atkinson, Comptroller of the State of Maryland, and Murray Vandiver, Treasurer of the State of Maryland, being and constituting

the Board of Public Works of the State of Maryland, parties of the first part, hereinafter called the first party, and Fairfax S. Landstreet, of Davis, State of West Virginia, party of the second part, hereinafter called the second party: WITNESSETH:

WHEREAS, By Section 3 of Article 12 of the Constitution of the State of Maryland, and the amendments thereof, the Board of Public Works of Maryland was authorized, subject to such limitations and conditions as the General Assembly of Maryland should from time to time prescribe, to sell the State's interest in all works of internal improvement, whether as stockholder or creditor, receiving in payment the bonds and registered debt of said State equal in amount to the price obtained for the State's interest therein: and

WHEREAS, By Chapter 310 of the Acts of the General Assembly of Maryland of 1892 it was provided that "whenever the Board of Public Works in the exercise of the authority vested in them by the Constitution shall determine to sell the State's interest in any or all works of internal improvement, whether as a stockholder or as a creditor, they shall before making such sale or sales advertise for sealed proposals for the space of sixty days in such newspapers as they shall think fit, for the purchase of said interest of the State in such work or works of internal improvement, and at the time and place named in said advertisement or advertisements, they shall open the said sealed proposals publicly in the presence of such persons as shall choose to attend, and if the price or prices offered by the highest bidder or bidders, shall in their judgment be sufficient, they shall sell the said interest so offered for sale to the highest bidder or bidders, and by such apt and sufficient conveyance or conveyances or other instruments as the Attorney General may approve they shall transfer to the purchaser or purchasers the interest so sold to him or them, but if the highest price or prices shall in their judgment be sufficient they shall have power and it shall be their duty to reject said bid or bids:" and

WHEREAS, on the 26th, day of September, 1904, said Board of Public Works did determine to offer the entire interest of the State of Maryland in the Chesapeake and Ohio Canal Company and all its properties and works of every description, either as mortgagee, creditor or stockholder, for sale to the highest bidder by way of sealed proposals for the same, as provided by said Article of the Constitution of the State and said act of Assembly, and thereupon

did advertise for such sealed proposals by a public notice duly published in the Baltimore Sun, the Baltimore American, the Baltimore Herald and the Baltimore Evening News, newspapers duly published in the city of Baltimore, and in the New York Herald and other newspapers published elsewhere, for more than sixty days before the first day of December, 1904, as required by law, said date being the day named in said advertisement for the opening of said bids, said advertisement so published being in the words following, to-wit:

STATE OF MARYLAND.

EXECUTIVE DEPARTMENT,

Annapolis, Sept. 26, 1904.

SALE OF THE STATE'S INTEREST IN THE CHESAPEAKE AND OHIO CANAL.

Under and by virtue of the power and authority conferred upon the Board of Public Works by Section 3 of Article XIII of the Constitution and by the Act of 1892, Chapter 310, and in pursuance of a resolution passed by the said Board of Public Works, notice is hereby given that sealed proposals are invited for the purchase of the entire interest of the State of Maryland in the Chesapeake and Ohio Canal Company and all its properties and works of every description as either mortgagee, creditor or stockholder; the said interest will be subject in the hands of the purchaser to the legal operation and effect of every and all judgments and claims duly proven and certified under the Act of 1896, Chapter 136 1/2. Such proposals may be made at any time prior to 12 o'clock noon on December 1, 1904, and must be transmitted to the office of the Board of Public Works at Annapolis. Payment of the purchase price to be made in the bonds or registered debt of this State, as required by Section 3 of Article XII of the Constitution, within sixty days from the acceptance of any bid. Such bids will be opened publicly at noon on December 1, 1904, in the Executive Chamber at Annapolis.

No bid will be considered unless accompanied by a certified check in the sum of twenty five thousand dollars, as a guarantee of the prompt payment of the purchase price in accordance with the terms of sale. The Board of Public Works hereby reserves the right to reject any and all bids.

By order of the Board.

Oswald Tilghman,

Secretary of the Board of Public Works.

AND WHEREAS, The interest of the State of Maryland in the Chesapeake and Ohio Canal Company and its properties and works, as mortgagee, creditor or stockholder, was at that time and is now as follows:

(a) A mortgage on all its property, given by the Chesapeake and Ohio Canal Company to the State of Maryland, by virtue of Chapter 241 of the Acts of Assembly of 1834, dated the 23rd, day of April, in the year 1835, recorded in Washington County, in Liber P. P., folio 758, one of the Land Record Books of Washington County, and in other Counties of this State, and in the District of Columbia, to secure the payment to said State of the sum of \$2,000,000.00 and the interest thereon.

(b) A mortgage on all its property, given by the Chesapeake and Ohio Canal Company to the State of Maryland, by virtue of Chapter 386 and 396 of the Acts of Assembly of 1838, dated the 15th, day of May, 1839, and recorded in Washington County, in Liber U. U., folio 170, one of the Land Record Books of Washington County, Maryland, and in other Counties in this State, and in the District of Columbia, to secure the payment to said State of the sum of \$1,375,000.00 and the interest thereon.

(c) A mortgage on all its property, given by the Chesapeake and Ohio Canal Company to the State of Maryland, by virtue of Chapter 281 of the Acts of Assembly of 1844, dated the eighth day of January, 1846, and recorded in Washington County in Liber I. N. No. 3, folios 137 and 141, one of the Land Record Books of Washington County, Md., and in other counties of this State, and in the District of Columbia, said mortgage being confirmatory of and as further security to the State of Maryland for the indebtedness set out in the two mortgages above recited, and the interest thereon.

(d) All the right, title and interest, at law or in equity, of the State of Maryland, in and to the preferred capital stock of the Chesapeake and Ohio Canal Company, whether issued to said State or not issued, but subscribed and paid for by the said State by virtue of Chapter 395 of the Acts of Assembly of 1835, the par value of said preferred stock under said Act so issued to or subscribed and paid for by said State being believed to be about the sum of \$3,000,

000.00.

(e) All the right, title and interest, at law or in equity, of the State of Maryland, in and to the preferred capital stock of the Chesapeake and Ohio Canal Company, whether issued to said State or not issued, but subscribed and paid for by said State by virtue of Chapter 396 of the Acts of Assembly of 1838, the par value of said preferred stock under said Act so issued to or subscribed and paid for by said State being believed to be the sum of \$1,375,000.00.

(f) All the right, title and interest of the State of Maryland, at law or in equity, in and to the common capital stock of the Chesapeake and Ohio Canal Company, whether issued to said State or not issued, but subscribed and paid for by said State by virtue of Chapter 105 of the Acts of Assembly of 1827, the par value of said common stock under said Act so issued to or subscribed and paid for by said State being believed to be about the sum of \$500,000.00.

(g) All the right, title and interest of the State of Maryland, at law or in equity, in and to the common capital stock of the Chesapeake and Ohio Canal Company, subscribed and paid for by the State under Chapter 239 of the Acts of Assembly of 1833, the par value of said common stock so subscribed for by said State being the sum of \$125,000.00.

(h) All the right, title and interest of the State of Maryland, at law or in equity, in and to the deferred common capital stock of the Chesapeake and Ohio Canal Company, subscribed for by the State under Chapter 180 of the Acts of Assembly of 1825, to about the par value of \$163,000.00.

(i) All other interests, at law or in equity, which the State of Maryland now has in any way or manner in the Chesapeake and Ohio Canal Company or any of its property and works, of every description wherever situated, either as mortgagee, creditor, stockholder, or in any other way not hereinbefore specifically mentioned and enumerated.

AND WHEREAS, At twelve o'clock on the first day of December, 1904, the first party, as such Board of Public Works, met in Annapolis to open and pass upon said sealed proposals as should be made for the purchase of said interest of the State in said Canal Company, at which meeting it was found that the sealed proposal of Fairfax S. Landstreet, the second party, of \$155,000.00, for said State's in-

terest, payable in the bonds or registered debt of the State of Maryland, as required by the Constitution, was the highest bid for said State's interest, said proposal of said Landstreet being in the words following, to-wit:

Baltimore, Nov. 29, 1904.

To the Honorable, The Board of Public Works,
of the State of Maryland:

Referring to the published notice of the Board of Public Works of the State of Maryland, dated September 26, 1904, inviting sealed proposals for the purchase of the entire interest of the State of Maryland in the Chesapeake and Ohio Canal Company and all its properties and works of every description, as either mortgagee, creditor or stockholder, the undersigned hereby proposes to purchase said entire interest of the State of Maryland as set out in said notice and upon the terms and conditions therein contained and to pay therefore the sum of \$155,000 payable in the bonds or registered debt of the State of Maryland, taken at par, within sixty days from the acceptance of this bid.

Accompanying this bid there is handed you a certified check in the sum of \$25,000, required by the terms of the above mentioned notice, as a guarantee of the prompt payment of the purchase price in accordance with the terms of sale.

Yours respectfully,

F. S. Landstreet.

AND WHEREAS, after several adjournments of said Board for a full and deliberate consideration of said bids said Board again met at Annapolis on the 22nd, day of December 1904 for the consideration of said bids, and did then and there accept said bid of said second party by resolution of said Board then and there adopted, to which acceptance certain conditions were attached, said resolution of acceptance and the conditions thereto being in the words following to-wit:

"Resolved by the Board of Public Works of Maryland; That the bid of Mr. Fairfax S. Landstreet for the State's interest in the Chesapeake and Ohio Canal and in the Chesapeake and Ohio Canal Company be, and the same hereby is accepted, provided the said Fairfax S. Landstreet assents to the insertion in the ^{or} ~~consignment~~ of the State's interest in said Chesapeake and Ohio Canal and in the said Chesapeake and Ohio Canal Company, of a clause reading as

follows: "And it is expressly understood that this ^{an} ~~con~~signment is made upon the condition that the grantee herein, F. S. Landstreet on or before the first day of December, 1905, cause or procure a resolution to be passed at a duly called meeting of the stockholders of the Chesapeake and Ohio Canal Company (if the stock hereby assigned to him is sufficient to enable him to so pass the same) read thus: "Be it resolved by the stockholders of the Chesapeake and Ohio Canal Company that the General Assembly of Maryland be, and hereby is, requested to amend the charter of the said Chesapeake and Ohio Canal Company, by enacting that if the said Chesapeake and Ohio Canal Company shall at any time, build, operate or maintain, or grant or attempt to grant to any other person or number of persons or to any body corporate the right to build operate or maintain any railroad or railroad tracks upon the property of said Chesapeake and Ohio Canal Company that then any and all exemptions from taxation now held and enjoyed by said Chesapeake and Ohio Canal Company shall be surrendered and forfeited to the State of Maryland. It being understood, however, that the purchase or acquisition by condemnation by the Western Maryland Railroad of the rights of way and other easements authorized to be acquired by the said Western Maryland Railroad Company, by Chapter 56 of the Acts of 1904, shall not be construed as a right to build, operate and maintain a railroad on the property of the Chesapeake and Ohio Canal Company within the meaning of this resolution. And the Chesapeake and Ohio Canal Company hereby directs the presiding officer of this meeting of its stockholders to deliver within thirty days from this date a copy of this resolution, certified under the seal of the said Chesapeake and Ohio Canal Company to the Governor of Maryland.

If the said Fairfax S. Landstreet, and his heirs, personal representatives and assigns shall fail to comply with both of the above named conditions by the time herein specified, then this assignment shall be and become void, and all the rights, title interest and estate hereby conveyed to and vested in the said Fairfax S. Landstreet, his heirs, personal representatives and assigns, shall re-vest in the State of Maryland and again become the property thereof, and the State of Maryland shall retain as liquidated damages for the breach of these conditions the purchase price paid by the said Fairfax S. Landstreet, his heirs, personal

representatives and assigns, for said interest of the State of Maryland in the Chesapeake and Ohio Canal and in the property of the said Chesapeake and Ohio Canal Company.

It is expressly agreed however, that if the said Landstreet his heirs, personal representatives or assigns shall be hindered, prevented or delayed in causing the passage, by the meeting of the stockholders of the said Chesapeake and Ohio Canal Company of the above mentioned resolution, by injunction or other order of Court, then, of the said Landstreet, his heirs, personal representatives or assigns, shall, with good faith and ordinary diligence resist the petition or suit in or upon which the injunction or other restraining or hindering order was passed, and shall prosecute said petition or suit to the Court of last resort, the said Landstreet, his heirs, personally representatives and assigns shall have an extension of six months from the date of the final dissolution of said injunction or from the date of the final rescission of such other order restraining, hindering or preventing the passage of said resolution by the said stockholders' meeting of the Chesapeake and Ohio Canal Company, in which to cause or procure the passage of the aforesaid resolution; and the said Landstreet shall have a further extension of one month within which to have an authenticated copy of said resolution presented to ~~and~~ the then Governor of Maryland as hereinbefore required. But should any such litigation result in a final judgment in a Court of last resort preventing the passage of said resolution, the said condition of said transfer of the State's interest to said Landstreet shall be regarded as abandoned, released and satisfied without further action of his part."

AND WHEREAS, On the 23rd, day of December, 1904, the said second party did accept said condition imposed upon said sale by said Board of Public Works, without further qualification, said acceptance of the second party being ~~in~~ in the words following:

Baltimore, Md., December 23, 1904.

To the Hon. Edwin Warfield,

Hon. Gordon T. Atkinson,

Hon. Murray Vandiver,

Members of the Board of Public Works of Maryland,
Annapolis, Maryland.

Gentlemen:- Confirming my verbal assent of yesterday to the conditions attached to your resolution accepting my bid for the interest of the State of Maryland in the Chesapeake and Ohio Canal Company and its property, and in order to complete the formal record of the same, I hereby write to say that I accept said conditions attached to the said resolution and assent to the same in its entirety, and agree that the same shall be inserted in the assignment of your honorable body transferring to me the aforesaid interests of the State of Maryland in said Canal Company and its property in exact accordance with the terms of your resolution.

I am,

Very respectfully yours,

F. S. Landstreet.

AND WHEREAS, the said second party in consummation of the sale and purchase of the aforesaid interests of the State of Maryland in accordance with his bid and contract has this day paid and delivered to the first party for the use of said State bonds, or registered debt of the State of Maryland, of the par value of \$155,000.00, in securities of the State debt known as registered certificates of the State of Maryland Consolidated Loan of 1899, bearing three per cent. interest per annum, payable January 1, 1914, but redeemable at pleasure of the State on the first day of January, 1909; the receipt of all of which said bonds or registered debt of the State of Maryland, to the aforesaid par value of \$155,000.00, is hereby acknowledged by the first party at and before the unsealing and delivery of these presents: and

WHEREAS, This form of conveyance and assignment of all the aforesaid interests of the State of Maryland in and to the Chesapeake and Ohio Canal Company and all its works and property, has been submitted to and has been approved by the Attorney General, as is required by said chapter 310 of the Acts of 1892, whereby, by reason of all the aforegoing, the first party is fully authorized by law to execute these presents:

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES and of said bonds and registered debt of the State of Maryland, so paid and delivered as aforesaid, the said Edwin Warfield, Governor of the State of Maryland; Gordon T. Atkinson, Comptroller of the State of Maryland, and Murray Vandiver, Treasurer of the State of Maryland, being and constituting the Board of Public Works of the State of Maryland, have

bargained and sold, given, granted, conveyed, released, assigned, transferred, set over and confirmed unto the said Fairfax S. Landstreet, his heirs, executors, administrators and assigns, each and all the aforesaid mortgages of the State of Maryland, and all said capital stock, preferred, common or deferred common stock of the Chesapeake and Ohio Canal Company, and all the right, title and interest of the State of Maryland in and to any other and every part thereof, at law or in equity, and also all the right, title and interest of the State of Maryland in and to any other interests, claims or demands of any kind whatsoever which the said State of Maryland, in addition to the aforegoing, now has in the Chesapeake and Ohio Canal Company and all its property and works of every description and wherever situated.

The object of this deed of assignment being to absolutely vest in the second party, his heirs, executors, administrators and assigns all the right, title and interest of the State of Maryland, of every kind and in every way which it now has in any way or manner, either as mortgagee, creditor or stockholder, or in any other capacity, in and to the Chesapeake and Ohio Canal Company, and all its property, real, personal or mixed, wherever situated, whether hereinbefore specifically mentioned or not, with the power to use and own the same as fully and completely as the State of Maryland itself could do had this assignment not been made.

IT BEING EXPRESSLY UNDERSTOOD, HOWEVER, that this deed of assignment is made upon all the conditions set out in the aforegoing resolution of the Board of Public Works accepting said bid of the second party, and with express reference to said resolution, all of which said conditions have been, as aforesaid, and are now, accepted by the said second party.

IN WITNESS WHEREOF the parties of the first part, being and constituting the Board of Public Works of the State of Maryland, and as such, have hereunto set their hands and affixed their seals, the date first above written.

----- (Seal)
Governor.

----- (Seal)
Comptroller.

----- (Seal)
Treasurer.

Being and Constituting the Board of
Public Works of the State of Maryland.

State of Maryland,
Baltimore City, to wit:

I HEREBY CERTIFY that on this 4th, day of January, 1905, before me, the subscriber, a Notary Public in and for the State and City aforesaid, personally appeared Edwin Warfield, Governor of the State of Maryland; Gordon T. Atkinson, Comptroller of the State of Maryland; and Murray Vandiver, Treasurer of the State of Maryland, they being and constituting the Board of Public Works of the State of Maryland, and did each, for himself and as a member of the said Board of Public Works of the State of Maryland, acknowledge the foregoing deed of assignment to be his act, as such, and the act of the said Board of Public Works of the State of Maryland.

IN WITNESS WHEREOF I have hereunto set my hand and notarial seal the date last above written.

(Seal) Winson G. Gott, Notary Public.

Baltimore, Jan. 4th, '05.

To the Board of Public Works,
Gentlemen:-

I have examined the form of assignment from the State of Maryland to Fairfax S. Landstreet, prepared by Mr. Benjamin A. Richmond, and find the same in proper legal form.

I have endorsed upon it, that it proper to be signed and acknowledged before a Notary Public by the members of your Honorable Board, and, upon the delivery to you of \$155,000.00 in State Certificates, to be delivered to Mr. Landstreet.

Mr. Landstreet has exhibited to me three certificates of State indebtedness, each dated July 8th, 1904. Each one of these certificates was issued to Harvey Fiske and Sons, and they are all legally endorsed in blank.

They are certificate No. 324 for \$100,000.00; No. 328 for \$50,000. and No. 345 for \$5,000.00.

These certificates are proper to be accepted by your Board in payment for the State's interest in the Chesapeake and Ohio Canal.

The January Term of the Court of Appeals commences on Tuesday Next. I have several State cases very early in the assignment in which I have not been able to prepare the Briefs on account of delay in obtaining the records from the Clerk of the Court of Appeals.

It is, therefore, desirable that I should devote my energies in Baltimore to the preparation of Briefs in these cases. Therefore, I do not come to Annapolis to-day. Indeed it is not necessary that I should come there. All that is necessary to be done is for the Deed of Assignment to be executed and delivered to Mr. Landstreet, upon his delivering the three certificates which I have mentioned to your Board.

Very truly yours,

(Signed) William S. Bryan, Jr.,

Attorney General.

Note. This assignment is in proper legal form and is proper to be executed by the Governor, Comptroller and the Treasurer, and on receipt of the purchase price to be delivered to Fairfax S. Landstreet.

(Signed) William S. Bryan, Jr.,

Attorney General.

The Comptroller moved that Mr. Landstreet's certified check for \$25,000 deposited by him with his bid for the State's interest in the C. & O. Canal be returned to Mr. Landstreet. Seconded by the Treasurer and carried. The Treasurer not having the check with him promised to send it to Mr. Landstreet on the 5:18 train from Annapolis this date.

The Board then went into executive session.

On motion of the Treasurer, seconded by the Comptroller, it was decided to increase the fire insurance on the Executive Mansion from \$75,000 to \$100,000 and to increase on the contents of the Mansion from \$15,000 to \$20,000.

A report was read from Mr. Charles M. Haslup, Superintendent of Public Buildings and ^GGrounds, informing the Board that he had sold to Mr. Klawasky, the old iron in the building formerly used by the Comptroller and Treasurer, for the sum of \$340.50. With his report Mr. Haslup submitted check for that amount. The Treasurer, seconded by the Comptroller, moved that the sale of this material for the price named be ratified by the Board, and that the amount realized from said sale be deposited to the credit of the contingent fund of the Board of Public Works. The check

was thereupon turned over to the Treasurer for that purpose.

The Governor submitted the report of Mr. Frank V. Rhodes of Baltimore, upon his examination of the titles of the real property owned by the State together with a letter from Attorney General Bryan on the subject of the compensation to be paid Mr. Rhodes. Copies of these letters follow:

Baltimore, December 1904.

Hon. William Shepard Bryan,
Attorney General, State of Maryland,
Baltimore City.

My dear Sir:

I herewith hand you a list of all the real estate property now held by the State as far as I have been able to ascertain the same. There being no existing list of what property the State owns it was necessary for me to ascertain the same by inquiry and by examination of the land records wherever I had an intimation that the State owned land.

I hand you also a statement showing condition and amount of land in each deed as well as the source from which it is derived. I have not given a detailed abstract in all cases, but am prepared to do so should you desire it.

I hand you also the deeds to all said property except several that are now in the Treasurer's office at Annapolis, all of which is fully set forth in the accompanying statement.

Two of the properties given me as being State properties, to wit, St. John's College and Cheltenham Reformatory, I find, upon examination of the records, not to belong to the State, but to corporations, but the State has representation in the government of the same.

The amount of time actually given to this work is rather difficult of statement owing to having given portions of days of which I could hardly take account. The number of days to which I gave undivided attention to this work is as follows:--- At Frederick City, seven days; at Annapolis, ten days; at Upper Marlboro, two days; at Washington, D. C., two days; at Towson, six days, Baltimore City Record Office, five days; at the Historical Society, five days; time given to comparing notes, references and deeds,

preparing lists of real property, statement as to titles &c., six days, making in all forty-three days given entirely to this work. A great deal of this time was given to examining the titles to the State House property, St. John's College and the Deaf and Dumb property at Frederick, more especially to the first and last of these as there was no clue whatever by which I could be guided in the search of these two titles.

In addition to the above, I wrote about forty letters to various persons in connection with the matter and received many answers to the same.

The cost of certified copies of deeds was \$34.75. Other expenses including railroad fare and hotel bills was \$61.20.

In addition to the other titles which the State holds, there is a mortgage for \$15,000, which the State holds as a first lien on the Maryland Agricultural College property. This mortgage was given in 1902 in pursuance of the Act of the Assembly 1902 Chap. 625; said mortgage to run for ten years within interest at three per cent if demanded, a full statement of which accompanies the statement herewith handed you.

All of which is most respectfully submitted.

Yours truly,

F. V. Rhodes.

Baltimore, December 21st,

Dear Sir:

Mr. Frank V. Rhodes has shown me his report of the work done by him in searching the titles of the various pieces of property belonging to the State, which he searched under the resolution passed by the Board of Public Works.

The work was evidently a very tedious and laborous matter.

Mr. Rhodes is, of course, entitled to be paid a reasonable but not an extravagant compensation for the services he has rendered the State.

It seems to me that taking every thing into consideration a fee of \$1,000 to Mr. Rhodes would be a proper one. Of course, this is in addition to his actual expenditures. Mr. Rhodes gives in his letter a statement of the amount of his expenditures. This fee is larger probably than the Board of Publics expected to pay,

but the work was much more extensive and laborous than was contemplated when the employment was contracted for. Twenty five dollars per diem is an exceedingly reasonable charge to pay a lawyer of fare average capacity for work of a professional nature; this is especially so when that work takes him away from home.

Mr. Rhodes was engaged, as his report shows, 43 days in this work. At \$25.00 per day this would make \$1075.

If the work was to be of any benefit whatever to the State it was necessary that it should be performed by a competent, trustworthy and experienced person.

Mr. Rhodes has submitted to me, and will submit to you four letters from members of the bar of wide experience in the searching of titles; three of these letters namely the letters of Messrs. Samuel C. Houlton, Charles McHenry Howard, of the firm of Vanable, Vaetjer and Howard, and John H. Duncan of the Title Guarantee and Trust Company state that one thousand dollars would be a reasonable charge in their judgment for the services rendered. Mr. Augustus Paper of the firm of Harman, Knapp, Ulman and Paper states that, in his opinion, \$1500 would be a proper fee.

As I have previously stated, under all the circumstances of the case it seems to me a fee of \$1000 is proper to be paid.

Yours very truly,

William S. Bryan, Jr.,

Attorney General.

Hon. Edwin Warfield,
Governor of Maryland.

9 Builders Exchange Building,
Baltimore, Md., Dec. 20, 1904.

F. V. Rhodes, Esq.,
Fidelity Building, City.

Dear Sir:

I have read your letter to the Attorney General of Maryland, containing a statement of the amount of labor involved in procuring references to the title to the State of Maryland to the real estate therein mentioned, and your report accompanying the same, and in my judgment a fee of one thousand (\$1,000) dollars would be a reasonable one for your services in the matter.

Very truly, etc.,

Sam. C. Houlton.

December 19, 1904.

F. V. Rhodes, Esq.,

Attorney at Law,

Fidelity Building, Baltimore, Maryland.

Dear Sir:

I return herewith the abstract of the State of Maryland's real estate holdings, which you handed to me in order that I might advise you what, in my opinion, will be a reasonable compensation for the work of preparing these abstracts from the records and other ~~resources~~ resources.

On considering the character of the work and the amount of time which it has required, I think that \$1,000 would be a fair and reasonable compensation for it.

Very truly yours,

Charles McH, Howard.

Baltimore, December 20, 1904.

Frank V. Rhodes, Esq.,

Attorney at Law, Fidelity Building, City.

Dear Sir:

In compliance with your request I have made an examination of the indexes run by you, and also the titles examined by you, for and behalf of the State of Maryland in view of arriving at a fair compensation of the work in question and I do not hesitate to say that I think that a fee of \$1,000 would not be excessive.

Yours very truly,

Jno. H. Duncan, Secretary.

Baltimore, December 20, 1904.

F. V. Rhodes, Esq.,

701 Fidelity Building.

Dear Sir:

I have examined the summary of the various titles examined by you for the State and from the nature of the work and services rendered am of the opinion that \$1500 would be a reasonable fee.

Very truly yours,

Augustus Paper.

The Governor then read to the Board the following detailed

Report of Mr. Rhodes of the results of his examination of these titles:

TO
THE HONORABLE
THE
BOARD OF PUBLIC WORKS
OF THE STATE
OF
MARYLAND.

REPORT IN THE MATTER OF THE REAL ESTATE OWNED BY THE STATE
OF MARYLAND AND THE TITLES THERETO.

I herewith enclose a list of the real estate held by the State of Maryland, as far as I can ascertain, there being nothing to guide me in ascertaining what lands the State owned except by inquiry. The whole number of pieces of real estate is seventeen in which the State has a fee simple title by deed; one in which it has a title by Act of Congress and by an Act of the General Assembly of Maryland and by delivery of possession. I refer to the Confederate Soldiers Home at Pikesville. One by a title which I have not been able to ascertain. I refer to the State House at Annapolis; and one in which the State has a possible reversionary interest, owing to the conditions of the deed by which it was conveyed by the State of Maryland to the United States. I refer to Thomas' Point Shoal Lighthouse in Anne Arundel County.

Of these properties the title deeds to the following are in the Treasurer's Office at Annapolis, to-wit: Court of Appeals Building at Annapolis, Heating Plant at Annapolis, Emergency Hospital at Annapolis, Maryland Penitentiary at Baltimore City, Fifth Regiment Armory at Baltimore City, State Normal School at Baltimore City, State Normal School No. 2, at Frostburg, Maryland; and the titles to five Tobacco Warehouses, included as one in this report, which by special Act of the Legislature 1904, was examined by some one other than myself and I presume that the title deeds have been turned into the Treasurer's Office at Annapolis.

The following title deeds I herewith turn over to you with such statements and comments as I have deemed necessary for the benefit of the Board of Public Works, to wit: Governor's

Mansion at Annapolis, three deeds (all originals), Governor's stable one deed (original); Springfield Asylum at Mount Airy in Carroll County, one deed (copy); Home for Feeble Minded, Owings Mills, Baltimore County, one deed (copy), Troop "A" Armory at Pikesville, Baltimore County three deeds (two originals and one copy), Maryland Agricultural College, Prince George's County, one deed (copy), Deaf and Dumb Asylum, Frederick City, Maryland, two deeds (copies), Spring Grove Asylum, Catonsville, Baltimore County, two deeds (originals), House of Correction, Jessups, Anne Arundel County, seven deeds (copies), Thomas' Point Shoal Lighthouse, one deed (copy), and Confederate Soldiers' Home at Pikesville, Baltimore County (copies of various Acts and communications giving title.)

It has been with great difficulty that I have been able to get satisfactory knowledge of certain of the titles and in one case, I was not able to ascertain at all the nature of the title or whether or not the State ever had title other than title by prescription. I refer to the State House at Annapolis, together with the other Buildings on the same land. In some cases I had to resort to the Historical Society in order to get from that source what information I could, and without it I would have not been able to get certain information which you will find set forth in the following statements.

In the matter of the Confederate Soldiers Home at Pikesville you will observe that there is no title such as a deed but copies of an Act of Congress and of the General Assembly of Maryland together with possession by livery of seisin by which the State has possession of the same and thereby has such title as gives the State absolute right to the same to use it in any way it may deem best.

A peculiarity which you will observe in examining the statement concerning the title to the property of the Maryland Agricultural College is that the State is a joint holder with a corporation and that in addition to that the State holds a mortgage on the said property given by the said corporation. This makes rather a peculiar title but inasmuch as both the joint deed and the mortgage were executed under an Act of the Assembly and the title being a good one, there is no reason to take exception to the same.

I call special attention to the Thomas' Point Shoal Light

house title because as you will see by the accompanying statement of the same; that the State has only a possible reversionary interest because of certain restrictions in the deed from the State to the United States.

I have commented on these titles only where there is any peculiarity in the same, in order to direct special attention to them, in addition to the statements which herewith follow.

F. V. Rhodes,

701 Fidelity Building.

REAL ESTATE HELD BY THE STATE OF MARYLAND.

- State House Annapolis, Md.
- Executive Mansion, Annapolis, Md.
- Governor's Stables Annapolis, Md.
- Deaf and Dumb Asylum, Frederick City, Md.
- Spring Grove Asylum, Catonsville, Md.
- House of Correction, Jessups, Md.
- Maryland Agricultural College, Prince George's Co., Md.
- Springfield State Insane Asylum Sykesville, Md.
- Troop "A" Armory, Pikesville, Md.
- Home for Feeble Minded, ... Owings Mills, Md.
- Confederate Soldiers' Home, Pikesville, Md.
- Thomas' Point Shoal Lighthouse..... Anne Arundel Co., Md.
- Court of Appeals Building, Annapolis, Md.
- Heating Plant Annapolis, Md.
- Five State Tobacco Warehouses Baltimore, Md.
- Maryland Penitentiary Baltimore, Md.
- State Normal School Baltimore, Md.
- State Normal School , No. 2 Frostburg, Md.
- Fifth Regiment Armory Baltimore, Md.
- Emergency Hospital Annapolis, Md.

STATE HOUSE.

There is nothing in the records that shows that the State has a record title to the ground on which the State House stands, except a plat hereinafter referred to. We have carefully examined the records from 1644, when the records and seat of government were moved from St. Mary's County, and when Commissioners were appointed for building the first State House down to within the last 30 years. We find in Ridgley's Annals of Annapolis page 87 that the seat of Government was moved from St. Mary's to Annapolis in 1694. During that same year Major John Hammond, Major Dorsey, Messrs. John Bennett and John Dorsey, Andrew Norwood, Philip Howard, James Saunders and Nicholas Greenberry were appointed Commissioners to survey and lay out the town of Annapolis into streets and lanes and also a town common for pasture to be fenced at the public expense. At the same time they were authorized to have a plat of the town made which was made by Richard Beard. A copy of the plat is in the land office at Annapolis and on it the State House Circle is laid out. After having examined the records from that time down, we consulted Riley's Ancient City and find from this book that the records from 1657 to 1683 were lost during their removal from St. Mary's to Annapolis. That the first Court House was burned in 1706 and all the records there were lost. So that while we cannot find a record title there is no doubt of the fact that the colony had a title to the property and that it came down to the State from colonial times for the reason that the State House circle is recognized on the plat aforesaid. But owing to the destruction of the records we are unable to find in what form it was transferred.

GOVERNOR'S MANSION.

The ground on which the Governor's Mansion stands was conveyed to the State of Maryland by three deeds as follows: One from Matilda E. Green dated May 18th, 1867, and recorded in Liber S. H. No. 2, folio 364, which deed conveyed to the State of Maryland all that land which was conveyed by William Preston and wife to the said Matilda E. Green by deed dated the 14th, day of September 1853 and recorded in Liber N. H. D. No. 2 folio 418 &c., one of the Land Records of Anne Arundel County; it being a lot of ground in said City bounded by Tabernacle, Lawyer and School Streets and the State House lots conveyed or about to be conveyed by James W. Allen to the State of Maryland.

A second deed from George E. Franklin and wife to the State of Maryland, dated the 16th, day of May, 1868, and recorded among the Land Records of Anne Arundel County in Liber S. H. No. 2 folio 365. This deed conveys to the State of Maryland all that lot of ground which by deed dated the 21st, day of January 1839 and recorded in Liber W. S. J. No. 23 folio 494, was conveyed by Thomas Sudler and wife to George E. Franklin.

A third deed dated the 15th, day of May, 1868 and recorded in Liber S. H. No. 2 folio 365 was conveyed by James W. Allen and wife to the State of Maryland. This deed conveys all that property which was conveyed by Nicholas E. Green to the said James W. Allen by deed dated the 24th, day of June 1865.

GROUND ON WHICH THE CARRIAGE HOUSE OF THE STATE HOUSE
MANSION STANDS.

The ground on which the carriage house of the State House Mansion stands was conveyed by a deed from William Black and wife to the State of Maryland, dated the 10th, day of April 1870 and recorded among the Land Records of Anne Arundel County in Liber S. H. No. 4, folio 448. This deed conveyed the two lots on which the Governor's Mansion and the stable now stands and is particularly described in the accompanying deed.

We send you original deeds accompanying this report. While we do not send you abstracts we have carefully examined the titles and find them to be correct.

S T A T E M E N T.

AS TO THE PROPERTY ON WHICH THE MARYLAND SCHOOL FOR THE
DEAF AND DUMB STANDS AT FREDERICK CITY.

The ground on which the School for the Deaf and Dumb is located consists of two tracts. Deeds of which accompany this statement.

It has longed been believed by well posted men at Frederick, that the State has no title or rather deed to the main tract on which the Building stands; but there is no doubt that the deed from Thomas Beatty to Thomas Johnson, Governor of Maryland, for the use of the State, is the deed of that property.

Of course, it is very difficult at this late date to locate the property accurately, when there is nothing left of the land marks existing at the time the deed was made. This property is described as being part of the tract of land called "Rocky Creek." The difficulty in locating it has been that all the land marks of Rocky Creek have disappeared and it seems impossible to find the beginning point of that tract of ground. "Rocky Creek" was a tract of land of 1878 acres, for which certificate of warrant was issued to Thomas Bordley and assigned to James Stoddard, November 22nd, 1725, See Land Certificate in General Land Office, I. L. No. B, folio 108, and was patented to John Stoddard the son and only heir of James Stoddard, May 22nd, 1728. See Patents R. L. No. 7, folio 60; and is described as follows: All that tract of land called "Rocky Creek" lying in Prince George's County on the north side of the Monocacy River and beginning at two bounded white oaks standing between a branch of said river called Rocky Creek and the tract of land belonging to Benjamin Tasker, called, "Tasker's Chance," a tract of ground containing 2,000 acres, on the north side of the aforesaid branch called Rocky Creek, eight perches above the mouth of a small run that falls into the said run about the plantation of one Henry Boling and running thence south thirty degrees west, ninety perches; thence north 80 degrees west, 185 perches; thence north 432 perches; thence north by east 413 perches; thence north 50 degrees west 160 perches; thence west 154 perches; thence north 24 1/2 degrees west 115 perches; thence north 24 degrees east, 183 perches; thence north 74 degrees east, 74 perches; thence south 55 degrees east, 17 perches; thence south 12 degrees west, 206 perches; thence south 56 degrees west, 446

perches; thence north 59 degrees east 67 perches; thence south 27 degrees west 448 perches; thence south 7 degrees east 255 perches; then by a straight line to the beginning.

The difficulty in locating this is that no one seems to know where the little stream that flows into the Monocacy River called "Rock Creek" is located as is last lost the name it then bore.

This description also calls for "Tasker's Chance" and bounds upon it. We examined the description to "Tasker's Chance" in the patent. All the land marks of that tract have disappeared also, and it will be very difficult to locate accurately that tract of ground. But it is a notorious fact that just south and southwest of Frederick and not very far from Monocacy, there is an old house known as "Tasker's House" and a hill that was always called "Tasker's Hill." So there is no doubt of the fact that Tasker's Chance" lay in the vicinity of the property of the Deaf and Dumb Asylum, and that "Rocky Creek" which bounds upon it contains the tract we are examining.

In addition to that the second tract or the one purchased from Lucinda E. Grow and others is adjoining the line on which the school stands. It will be seen by examination of the two deeds that the first line of the Grow deed, which is the southern boundary line of Frederick City and also the boundary line between the Deaf and Dumb School and the Grow property runs south 85 1/4 degrees.

And the second line of the Thomas Johnson deed runs in the same direction with the variation of only one half of a degree making allowance for the uncertainty of compasses of different surveyors. There is no doubt that those two lots are the same.

Furthermore, Scharff in his history of Western Maryland, tells you that Daniel Dulany and William Tasker were great friends and went to Frederick County about 1708. Daniel Dulany, Jr., married the daughter of Tasker and through her got the Tasker property. The property was confiscated during the Revolutionary War and he had a great amount of litigation trying to recover back his property. In those suits we have the names of Thomas Beatty, Michael Rayner, Conrad Grosh, John Shellman, all of whom it is well known afterwards owned property immediately in that location.

In addition to that the State of Maryland owns no other property in Frederick County and an examination of the records from

the time the records were kept in Frederick County down to the year 1850 shows that the United States neither granted nor was granted any property in Frederick County. We have no hesitation in saying therefore, that notwithstanding the belief that the State has no deed for the property, that the mistake in looking it up or examining its title has been, that they have looked in the name of the State of Maryland and omitted to look in the name of the Governor of the State of Maryland, who is authorized by the Acts of the General Assembly of Maryland, Session 1717 to purchase this property for the purpose of making military barracks of the same. We will add that this property passed from James Stoddard to Susanna Beatty, March 29th, 1738, from Susanna Beatty to James Beatty, March 20th, 1739, and from James Beatty to Thomas Beatty, who granted the property to the State, so that the State has not only a title by reverse possession but has a title direct from the original patentee.

The Lucinda E. Crow lot contains about three fifths of an acre and it is adjoining the other property on which the school stands. We have examined the title to the property and find it to be correct, said property having been conveyed to Lucinda E. Crow by Michael McAleer and Daniel Young by deed dated the 26th, day of March 1879 and recorded in Liber A. F. No. 3 folio 547, Hugh McAleer, who had an equal interest with Michael having given a quit claim deed to said property dated August 7th, 1881 and recorded in Liber A. F. No. 3, folio 548. Said property was conveyed by Grayson Eichelberger, trustee, to Hugh McAleer and Michael McAleer February 13th, 1865 and recorded in Liber J. W. L. C. No. 2 folio 377. This property was sold to divide the estate of Peter Storm all the heirs being parties to the suit. See deed from George Bekenbaugh and others to Peter Storm, December 12, 1819, Liber J. S. No. 160 folio 320. Grantees were heirs of Jacob Haller. See Deed from Michael Haller to Jacob Haller, dated July 12, 1805, and recorded in Liber W. R. No. 27 folio 230, also deed from Daniel Dulany to Michael Haller, September 10th, 1790, Liber W. R. No. 9, folio 428.

We have examined carefully the title not only in Frederick but in Annapolis and Prince George's County with the result above stated.

STATEMENT OF THE MARYLAND HOSPITAL FOR THE INSANE.

Upon examination of the titles to the property belonging to the Maryland Hospital for the Insane, we found that the titles to all their various pieces of property are correct and consist of about 136 acres, comprising several pieces of ground included in two deeds which are described as follows: ---- Deed from the President and Visitors of the Maryland Hospital to Charles W. Chancellor, et al, the Managers of the Maryland Hospital for the Insane, dated July 5th, 1876, and recorded in Liber J. B. No. 97 folio 216, one of the Land Records of Baltimore County, containing 134 acres and 5 P. Deed from Joseph Swift Brown and wife to the Board of Managers of the Maryland Hospital for the Insane, dated July 18th, 1904, and recorded in Liber W. P. C. No. 277 folio 458, one of the Land Records of Baltimore County and containing 1 acre and 4/100 of an acre.

HOUSE OF CORRECTION.

The property occupies by the House of Correction was secured by purchase under the following seven different deeds and contains in all about 206 A, 3 R & 36 Sq. P.

1.----- Deed from George T. Warfield and Mary Elezabeth Warfield, to George William Brown, George S. Brown and Robert T. Baldwin, Trustees, dated December 3rd, 1874, and recorded among the Land Records of Anne Arundel County in Liber S. H. No. 9 folio 66, conveying two lots of ground, one of 73 and the other 20 acres. George William Brown; George S. Brown and Robert T. Baldwin were appointed Trustees for the House of Correction, by the Acts of the General Assembly of Maryland, 1874 chapter 233.

2.----- Deed from Michael Bannon and wife and Asa H. Linthicum to George William Brown, George S. Brown and Robert T. Baldwin, Trustees, dated June 24th, 1878 and recorded in Liber S. H. No. 13 folio 113, containing 7 1/2 acres.

3.----- Deed from Thomas I. White to George William Brown, George S. Brown and Robert T. Baldwin, Trustees, dated January 6, 1880 and recorded in Liber S. H. No. 17 folio 485, containing 22 A, 3 R, 20 P.

4.----- Deed from W. H. Bians and Henry S. Beeler and wife to George William Brown, George S. Brown and Robert T. Baldwin, Trustees, dated October 6th, 1880 and recorded in Liber S. H. No. 17 folio 486, containing 27 A, and 22 Sq. P,

5.----- Deed from John J. Snyder and Eliza Snyder to George William Brown, George S. Brown and Robert T. Baldwin, Trustees, dated January 8th, 1881 and recorded in Liber S.H. No.17 folio 448 containing 40 3/4 acres.

6.--- Deed from Thomas M. Norris to George William Brown, George S. Brown and Robert T. Baldwin, Trustees, recorded in Liber S. H. No. 20 folio 460 and dated the 2nd, day of November, 1882, which conveyed to the House of Correction the strip of land, widening the road of the Institution from its land to Jessups cut and containing 6 A, and 6/10 acres of land.

7.---- A deed from John W. Biggs to the Board of Managers of the Maryland House of Correction, dated the 11th, day of October

in the year 1893 and recorded among the Land Records of Anne Arundel County in Liber S. H. No. 44 folio 648 &c., being a strip of land containing about 98 Sq. P. purchased for the purpose of widening and improving the road now used by the said Maryland House of Correction, leading from said Maryland House of Correction grounds northwardly to the public road known as the Annapolis and Elkridge Road.

We examined these titles and found them to be correct.

MARYLAND AGRICULTURAL COLLEGE.

The deed of the Maryland Agricultural College was lost or mislaid and it was necessary to examine the Land Records at Upper Marlboro in order to get any information concerning the same. I there found that on the 28th, day of March 1866, the Maryland Agricultural College (Incorporated) conveyed to the State of Maryland a one half interest in all the land and property consisting of two hundred and eighty three and one eighth acres more or less, with all the buildings and other property thereon and owned by the Agricultural College, which deed is recorded among the Land Records of Prince George's County in Liber S. F. No. 4 folio 556, for which the State paid the sum of forty five thousand dollars. I examined some parts of this title back to about 1823 when the title was in George Calvert. I could not trace the land further back than that, because this land was carved out of a large tract owned by Calvert and which he had cumulated from time to time by many deeds, about twenty five in all, and in selling the land which is now held by the Agricultural College no regard was paid to the meets and bounds of the various tracts purchased by him. The title is a good one. It had been my desire to trace it back to the patent by which it was first granted, but owing to the above statement of the various sources from which it came, I would not have been justified in putting the State to that extra expense, inasmuch as I found the title to be perfectly good.

In 1902 the General Assembly of Maryland passed an Act, Chapter 625, authorizing a loan of fifteen thousand dollars to the Maryland Agricultural College as a first lien on the property of the Maryland Agricultural College. This mortgage was duly executed after all the conditions of the same as required by the Act of the Assembly had been complied with. It is given for a term of ten years with interest at 3%, if demanded. The original Mortgage is included among the land deeds and a copy of so much of the Act of Assembly as is necessary for our purpose, is included in this statement.

MARYLAND AGRICULTURAL COLLEGE.

ACTS OF ASSEMBLY 1902.

Chap. 625, Sec. 7.

One half of the amount hereby appropriated for buildings shall constitute a first lien to the State of Maryland on the property of the Maryland Agricultural College and this lien shall be secured by the mortgage to be given by the said College in its corporate capacity, to this State; the said mortgage to run for the period of ten years, with interest at 3% payable annually, if demanded; said mortgage to be ratified by the trustees and stockholders of said College; and it is further provided, that before any of said sums shall become payable by the said State to the said College; said trustees shall, at their own expense, cause an examination of the title to be made by the Title, Guarantee and Trust Company or some competent attorney to be designated by the Attorney General: and upon the report of the persons or corporation so examining to the Attorney General; and his approval thereof, and the title is good, that the said property is vested in said College in its corporate capacity in fee-simple and free from incumbrances, the money shall be paid by the fiscal officers of the State at the time provided for in the Act, and not before.

Approved April 11, 1902.

The amount appropriated for buildings under this Act, was thirty thousand dollars, and the mortgage given to the State was for one half of that amount or fifteen thousand dollars.

SPRINGFIELD STATE INSANE ASYLUM.

The deed to the Springfield State Insane Asylum on investigation could not be found. I therefore ordered a certified copy of the same from Westminster. This deed accompanies this report and shows that Frank Brown conveyed to the State of Maryland seven hundred and twenty eight and two third acres in fee-simple, January 14, 1896, and duly recorded in Liber B. F. C. No. 81 folio 210 &c. This is a good title.

TROOP "A" ARMORY.

The land upon which Troop "A" Armory stands at Pikesville, was conveyed to the State of Maryland by three separate deeds. One from Wilson Cary McHenry et al, Executors, to the State of Maryland, December 3, 1902, and recorded in Liber N. B. M. No. 254 folio 261 &c., of the Land Records of Baltimore County.

Another from Harry E. Goertz, Trustee, to the State of Maryland, December 3, 1902 and recorded in Liber N. B. M. No. 254 folio 259 &c., Land Records of Baltimore County, the original deeds of which accompany this report.

And a third deed from Annie E. Kehoe to the State of Maryland dated the 6th, day of June, 1903 and recorded in Liber N. B. M. No. 269 folio 38 &c., of the Land Records of Baltimore County, which deed having been lost, I secured a certified copy of the same which also accompanies this report. The whole amount of land included in the accompanying three deeds is thirteen and thirty-nine one thousandths acres.

STATEMENT AS TO THE ASYLUM AND TRAINING SCHOOL FOR THE
FEEBLE MINDED OF THE STATE OF MARYLAND.

The ground on which the Institution stands and that occupied by it was transferred to the Visitors of the Asylum and Training School for Feeble Minded of the State of Maryland by deed dated the 31st, day of December 1888 by Elizabeth M. Morgan, Hannah M. Wood (spinster) James McI. Wood (bachelor) Peter Ryson Wood (bachelor) Roberta M. Wood (spinster) all of Baltimore City in the State of Maryland, Janie B. Wood wife of William Maxwell Wood of Washington City in the District of Columbia, Thomas C. Wood (bachelor) of Hoboken in the State of New Jersey, Charles E. S. Wood, of Portland, Oregon, and David A. Wood of Tulare County, California, which was duly recorded among the Land Records of Baltimore County in Liber J. W. S. No. 174 folio 1 & c and contains 186 1/2 acres; a copy of which we have had made and transmitted to you, and transfers property which was originally transferred to the grantors mentioned in said deed, by the following deeds:----- All that tract of land situate and lying in Baltimore County near Owings Mills and comprising the following pieces or parcels of land, viz:-- The land described in a deed from Charles Painter and wife and John H. Harman and wife to Rose M. Wood, dated June 18th, 1864, and recorded among the Land Records of Baltimore County in Liber J. H. L. No. 41 folio 404.

The land described in the deed from Charles Painter and wife to Rose M. Wood dated January 21, 1865 and recorded among said Land Records in Liber J. H. L. No. 44 folio 206.

All the land described in the deed from John H. Harman and wife to Rose M. Wood dated June 18, 1864 and recorded among said Land Records in Liber J. H. L. No. 41 folio 406.

Part of the land described in a deed from John H. Harman and wife to Elizabeth M. Morgan dated June 18, 1864 and recorded among said Land Records in Liber J. H. L. NO. 41 folio 411.

All of the land described in the deed from Mary B. Patterson and Henry Hoff and wife to Elizabeth M. Morgan dated October 26, 1865 and recorded in Liber J. H. L. No. 51 folio 11.

All of the land described in the deed from Fulton Wenkler and wife to Elizabeth M. Morgan dated September 16, 1867 and recorded

in Liber E. H. A. No. 59 folio 53 of said Land Records.

And all the land described in the deed from William E. Lockwood, Rector of St. Thomas' Episcopal Church to Elizabeth M. Morgan dated May 9, 1867 and recorded among said Land Records in Liber E. H. A. No. 59 folio 54.

It is very difficult to locate these pieces of property owing to the land-marks, by which they were transferred having disappeared. But we carefully examined all the titles clear back through all the mesne transfers to the patents for the same.

HARRISON'S MEADOWS.

Out of which part of this property was carved was taken by William Hammond by warrant of February 21, 1744 and by him assigned to Thomas Harrison and the certificate of warrant was issued to Thomas Harrison on March 17th, 1746 and recorded Patents Liber N. C. folio 695.

WOLF'S DENN.

For land described as part of Wolf's Denn the warrant was issued to John Beny, August 26, 1732, patent recorded in Liber E. I. No. 4 folio 31 on June 11, 1734, warrant of said land being recorded in Liber E. I. No. 3 folio 323.

ADDITION.

For part carved out of Addition certificate of warrant was issued to William Gist October 10, 1748 and recorded Liber E. Y. and G. S. No. 1 folio 237 and on March 30, 1749 patent was issued for the same to William Gist.

GIST'S ENLARGEMENT.

For the part carved out of Gist's Enlargement, certificate of warrant was issued to William Gist February 20, 1744 and recorded in Liber L. G. No. E folio 54. Patent was issued to the same party August 12, 1745 and recorded in Liber P. T. No. 2 folio 313.

GIST'S MEADOWS.

For the part carved out of Gist's Meadows, certificate of warrant was issued to Richard Gist April 15, 1741 and recorded in Liber L. G. No. E folio 150 and patent was issued to the same party on August 31, 1743 and recorded in Liber L. G. No. E folio 580.

In examining the above titles we carried them back to the original patents as above mentioned and find the titles to be correct.

CONFEDERATE SOLDIERS HOME.

A very interesting fact developed in the examination of the Records to ascertain by what title the State held the property at Pikesville, now known as the Confederate Home. I was not able to find any reference to said title in the Land Records of Baltimore County nor in the Land Office at Annapolis, but I ascertained that there had been certain legislation both by Congress and by the Maryland Legislature touching the matter, as follows:--- I found by the Act of Congress dated March 3, 1879 (20 Stat. 377 page 387) that the Secretary of War was empowered to pass title to said property to the State of Maryland on condition that the same should be accepted by the State not later than March 1, 1880. By Act of 1880, Chapter 5, Acts of the State of Maryland, the Governor of Maryland was authorized to accept the said property hereby complying with the Act of Congress. I again examined the records both at Towson and Annapolis but was unable to get any information touching the matter, so I went to Washington and investigated the matter at the War Department. There I ascertained that the transfers had been made, not by deed but by Livery of Seisin on the 8th, day of June, 1880 and that no deed could be gotten nor was it contemplated by Act of Congress to give a deed but simply to turn over to the State the ground, buildings &c, showing that the land passed by livery of seisin and not by deed; all of which is more fully set forth in the correspondence herewith filed. This is probably one of the very few transfers of land by livery of seisin that have taken place anywhere within the last fifty years.

THOMAS' POINT SHOAL LIGHTHOUSE.

There is another piece of property which is known as Thomas' Point Shoal Lighthouse, which was conveyed by the State of Maryland to the United States by deed dated April 16th, 1875 and recorded in Liber S. H. No. 9 folio 267 as we found in the Records. While the State transferred that property to the United States, there are certain restrictions and conditions in the deed upon which the United States can use the said property and we deemed it best to have a copy of said deed sent to the Comptroller's Office so that they can know the relations of the State to the United States in the use of that property, without going out of the office. We therefore send you certified copy of the deed which speaks for itself.

ST. JOHN'S COLLEGE.

One of the most difficult searches that we had to make was to ascertain the ownership of the ground occupied by St. John's College. We found by examination of the Acts of the General Assembly of Maryland of 1696, page 420, that provision was made for the establishment of freeschools for the study of latin, under which King William's School was established and trustees were appointed to purchase land to the value of 1500 pounds. Under the proceedings of the Assembly page 411, it will be seen that James Crawford came forward and gave 1000 pounds of tobacco towards King William's School; William J. Jenkins, 1000 pounds; William Hutton 1000 pounds; Mr. Hemsly 800 pounds in consideration of their being relieved of their subscriptions in the several Counties for the benefit of the free-school. Mr. Anthony Workman came before the Assembly and gave 1500 pounds sterling towards the building of the house on a lot which had already been given by his Excellency Francis Nicholson, who was then Governor of the Colony.

By the Acts of 1784 we find that the property acquired by King William's School was four acres on which old King William's College stood just west of the circle. By that Act King William's School and St. John's College were consolidated and all the property originally belonging to King William's School went by this Act to St. John's College. We then examined the Acts of the Assembly from 1784 down to date but find no reference to any property of the St. John's College. We also examined the land records of Anne Arundel County down to 1900 and found no reference to the property. But on turning to the records of patents from the State of Maryland we find that the ground on which the College stands and the adjoining ground containing 34 1/2 acres was patented to the Visitors and Governors of St. John's College, February 24, 1776 and which is recorded in the land office in Liber J. C. No. L folio 142. They having since sold ten acres to the United States, leaving a balance of 24 1/2 acres to the College. They acquired title to the King William's School property by an Act of the General Assembly of Maryland 1784 chapter 37 and the State therefore has no title to the property.

CHELTENHAM REFORMATORY.

The Cheltenham Reformatory at Cheltenham, Maryland was given to me as belonging to the State, but upon examination of the records at Marlboro, I ascertained that the property does not belong to the State but to a corporation. I therefore make no further comment on this title.

On motion of the Treasurer, seconded by the Comptroller, the Governor was authorized to adjust Mr. Rhodes compensation, said compensation, including allowance for expenses, etc., not to exceed in the aggregate \$1,000.

On motion of the Comptroller, seconded by the Treasurer, the following bills for advertising the State's interest in the C. & O. Canal were ordered paid:

New York Herald -----	\$180.00
Baltimore Sun -----	132.00
Baltimore American -----	134.00
Baltimore Herald -----	128.00
Baltimore World -----	112.50
German Correspondent -----	64.40
Frederick Citizen -----	31.50

On motion of the Comptroller, seconded by the Treasurer, it was decided to proceed to the election of Directors, on the part of the State, in the railway companies in which the State is interested.

Mr. George S. Dare, the present incumbent, was nominated by the Comptroller, as Director on the part of the State in the Philadelphia and Baltimore Central Railway Company. Seconded by the Treasurer; and this gentleman was re-elected.

The Comptroller nominated Hon. A. P. Gorman and Gen. L. Victor Baughman, the present incumbents, as directors on the part of the State in the Baltimore and Ohio Railroad Company. Seconded by the Treasurer, and these gentlemen were re-elected.

The Governor, thereupon, submitted the report of the State Auditor, for the past ----- months, which, upon motion, was received.

On motion of the Comptroller, seconded by the Treasurer, the Secretary of the Board was instructed to write to Commander Howard of the State Fishery Force, and to say to him that Mr. Isaac H. Coulbourn, of the Tangier Packing Company, had appeared before the Board this date to request that he be allowed to remove from the property owned by him and the Tangier Packing Company, the oysters owned by him and it on said property, which said oysters had been planted thereon by said Company, and that the Board desires Captain Howard to arrange so that Mr. Coulbourn and the Tangier Packing Company may remove the oysters referred to, planted by themselves

on their own private property without molestation from the State Fishery Force, and to request Captain Howard to report to the Board his action in the matter.

The Governor submitted to the Board, the following telegram from Colonel Sherlock Swann, Chairman of the Burnt District Commission of Baltimore City.

January 5, 1905.

Baltimore, Md.,

Hon. Edwin Warfield,

Governor of Maryland.

Will you kindly impress upon the Board of Public Works at its meeting to-day the importance to this City of acting without further delay on our communication of December 19th, both as regards the Pratt Street and O'Donnell's Wharf properties owned by the State. If you would surrender these properties to the Commission in advance of agreed compensation it would enable the City to immediately begin the construction of the new piers.

Sherlock Swann, Chairman, Burnt District
Commission.

On motion of the Treasurer, seconded by the Comptroller, it was Resolved, That it is the sense of this Board that the State Tobacco Warehouse property is worth fully \$200,000, and that the Governor be authorized to offer said property to the City of Baltimore, for the minimum price of \$200,000, and to say to the Burnt District Commission that the property will not in any event be sold for less.

Resolved further, That the Governor report to this Board the result of his interview with the Burnt District Commission.

The Governor moved that the Board proceed to the election of an Insurance Commissioner, to succeed Mr. Lloyd Wilkinson. Both General Vandiver and Dr. Atkinson advised against the election at the time and desired to be so recorded. But, after discussion, Comptroller Atkinson, seconded the motion of Governor Warfield, and the same was carried. Nominations being in order for the office of Insurance Commissioner, General Vandiver nominated Mr. Lloyd Wilkinson. Governor Warfield nominated Mr. Frank I. Duncan of Baltimore County. Comptroller Atkinson seconded the nomination. Mr. Vandiver demanded that the roll be called. The roll was there-

upon called and the Governor and Comptroller voted for Mr. Duncan, the Treasurer voting for Mr. Wilkinson.

Mr. Duncan having received a majority of the votes of the Board was declared elected Insurance Commissioner.

On motion of the Treasurer, seconded by the Comptroller, it was voted that Daniel R. Randall and Frank A. Munroe and either of them, be, and he is hereby appointed irrevocably as Attorney for the State of Maryland with power of substitution to consent to and sign in its behalf the amendment^{of the article} of the articles of association of the Farmers National Bank of Annapolis, said amendment reading as follows: "This Association shall continue until close of business on May 24th, 1925, unless some sooner placed involuntary liquidation by the act of its shareholders owning at least two thirds of its stock or otherwise dissolved by authority of law."

On motion of Dr. Atkinson, seconded by the Treasurer, the Board at 3:35 p. m. , adjourned.

Orval Tilghman
Secretary